

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FILED
CLERK'S OFFICE
JUL 11 2005
DISTRICT OF MASS.

CIRIACO PUCILLO,

Plaintiff,

v.

**METSO PAPER, INC. AND
VALMET CONVERTING, INC.**

Defendants.

Case No. 03-CV-12359 MLW

JOINT STATUS REPORT

This status report is submitted jointly by counsel for the plaintiff, Ciriaco Pucillo, and counsel for the defendants, Metso Paper, Inc. and Valmet Converting, Inc.

On August 11, 2004, the Court issued a Scheduling Order that requires, *inter alia*, that counsel for the parties meet at least once to explore the possibility of settlement and to report to the Court the status and prospects for settlement. In addition, the parties must report whether they wish to participate in mediation conduct by an appointee from the Court's panel of mediators. Accordingly, counsel for the parties report as follows:

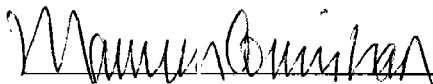
The parties in this case have developed an extensive factual record, including ten depositions. In the light of that record, counsel for the parties have met to explore the possibilities of settlement. Each counsel has conferred with his or her client(s) concerning settlement. Counsel for the plaintiff also has conferred with a representative of the workers' compensation carrier, a lien holder on any settlement payment to or recovery by plaintiff. Notwithstanding the extensive factual record, the three interests in this action – i.e. (1) the plaintiff, (2) the defendants, and (3) the workers' compensation carrier – have significantly

different views of the likelihood of prevailing. As such, counsel for the parties are not optimistic that a settlement is likely.


Nonetheless, the parties recognize the potential benefit that an independent evaluation of the case by a mediator might provide. The Plaintiff wishes to participate in mediation and has discussed mediation with Ms. Marie Laine, the Chubb Insurance subrogation specialist assigned to this matter. Ms. Laine has agreed to have a representative from Chubb appear on behalf of the workers' compensation carrier at any such mediation. Defendants submit that a meaningful mediation requires the full participation of the workers' compensation carrier to address its lien rights. Defendants also submit that the prohibition in the Court's Scheduling Order on the filing of dispositive motions should be lifted so that parties entitled to summary judgment are provided the opportunity to seek that relief prior to a scheduled mediation.

Date: May 6, 2005

Respectfully,


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*Attorneys for Defendants
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Valmet Converting, Inc.*

CERTIFICATE OF SERVICE


I, Maureen Counihan, hereby certify that on May 6, 2005, I served a copy of the foregoing:

JOINT STATUS REPORT

by mailing, first class, postage prepaid, a copy of same directed to:

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